REMARKS

Claims 1, 2, 14-24 and 60-70 are pending in the applications. Claims 1, 2, 14-24 and 60-70 are rejected. Applicant has amended claims 1-2, 14-17, 20-22, 24, 60-63, 65-67, and 70. Applicant has added new claims 83-101. Applicant has canceled claim 19. Claims 3-13, 25-59 and 71-82 were previously withdrawn from consideration and are hereby canceled. Reconsideration of claims 1, 2, 14-18, 20-24, 60-70 and 83-101 is respectfully requested.

Claim Objections

Claim 2, 16-17, 19-20, 24, 61-63 and 65-66 are objected to because of informalities. These claims have been amended as required by the Examiner.

Claim Rejections - 35 U.S.C. § 102

Claim 1 is rejected under 35 U.S.C. § 102(e) as being anticipated by Westerlund (US 6,757,654).

The rejection is respectfully traversed, however claim 1 has been amended to further clarify the subject matter of the claim in order to facilitate bringing this case into allowance. Claim 1 teaches a device comprising a main encoder for encoding a first portion of a data stream into first frames and a second portion of the data stream into second frames, the second portion following the first portion; and a redundant encoder for encoding the first portion into first redundant frames that are delayed from the first frames according to a redundant-coding delay having a first value and the second portion into second redundant frames that are delayed from the second frames according to a redundant-coding delay having a second value determined from a detected network performance characteristic different from the first value.

Westerlund does not teach a redundant-coding delay having a first value and a second value determined from a detected network performance characteristic different from the first value. Instead, Westerlund clearly teaches that the delay between the primary data frame and the redundant data frame *must* vary by one frame (col. 12, lines 19-29 and col. 15, lines 16-18). Every redundant data frame, therefore, would maintain the same delay from its corresponding primary data frame.

Similarly, Westerlund teaches to adjust a pitch period of a frame in order to correct for phase discrepancies between pulse periods (col. 13, lines 16-18 and 29-32). Westerlund therefore further teaches away from the present invention by ensuring a constant pulse period between each frame, regardless of whether it is a primary or redundant data frame.

Claim Rejections - 35 U.S.C. § 103

Claims 2, 14-22, 24, 60-68, and 70 are rejected under 35 U.S.C. §103(a) as being unpatentable over Westerlund as applied to claim 1 above, and further in view of Niu (US 2002/0069388).

The rejections are respectfully traversed, in part based on the above discussion regarding rejection of claim 1, in part based in the lack of teaching in Niu, and in part because even if combined, Westerlund and Niu do not teach any of the rejected claims. However claim 2 has been amended to further clarify the subject matter of the claim in order to facilitate bringing this case into allowance

Claim 2 teaches an adjustable delay for imparting the redundant-coding delay into the first and second redundant frames, the adjustable delay for controlling a value of the redundant-coding delay responsive to a control signal associated with the network performance characteristic.

Niu does not teach an adjustable delay responsive to a control signal. Instead Niu teaches a delay *d* that is a random variable (page 3, paragraph 0039). The delay is not responsive and adjustable to a control signal, rather the signal is instead defined as being limited by a minimum burst channel fading period length, and determined by a random number generation.

Regarding rejection of claims 14-22, 24, 60-68, and 70, Niu does not describe determining an updated value for redundant-coding delay based on a feedback signal or any other performance parameter. Niu discusses a NACK signal that is generated when a data packet is not received, however the NACK signal does not determine a length of a delay, but rather determines the number of data packet copies that are to be retransmitted (page 3, paragraph 0037). There is no indication that an updated value or adapted value for a redundant-coding delay is determined according to data loss, a feedback signal, or any other performance parameter, rather Niu teaches a determination of the delay according to a random number generation.

Similarly, the "timer" that is described by Niu and multiply referenced in the Office Action on page 4, paragraph 0052 is not related to providing a delay for a redundant data frame in relationship to a primary data frame, rather the timer determines a minimum length of time that transmission of data packets in a queue may be transmitted in sequence (see also page 1, paragraph 0015). The timer, therefore, is unrelated to determination of the delay as taught in the rejected claims.

Whereas the rejection of claims 2, 14-22, 24, 60-68, and 70 are respectfully traversed, independent claims 14, and 60 have been amended to further clarify the subject matter of the claims in order to facilitate bringing this case into allowance. In particular, claim 14 has been amended to incorporate dependent claim 19, but does not include any additional limitations.

Any statements made by Examiner that are not addressed by Applicant do not necessarily constitute agreement by the Applicant. In some cases Applicant may have amended independent claims thereby obviating grounds for rejection of dependent claims, for example.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1, 2, 14-18, 20-24, 60-70 and 83-101 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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